we propose to allow one election and one session of the State legislatures so that the States may face the question and try to comply with the dictum laid down by the Supreme Court only 2 or 3 months ago.

The date specified in that amendment was January 1, 1966. It is my belief that if the amendment were to pass, the great majority of the States, by far, would within a period of 8 months, have adjusted themselves to the ruling of the Supreme Court. What we are asking for basically is a little delay. Our task in this body is to recognize the responsibilities that we have in relation to all the States of the Union.

I am somewhat perturbed when I read articles by columnists and newspaper stories to the effect that the amendment means a 4- or 6-year delay. If it means more than 8 months, it will apply to a very small number of States. Then it will be under the jurisdiction of the courts. In the amendment, the jurisdiction of the Federal courts is nailed down tight. I do not care how anyone interprets it; that is what it means.

Mr. PROXMIRE. On page 2, lines 9 to 14, it is provided that a stay shall be granted for a sufficient period "to allow the legislature of such State a reasonable opportunity in regular session or the people by constitutional amendment a reasonable opportunity following the adjudication of unconstitutionality to apportion representation in such legislature in accordance with the Constitution."

In most States—certainly in my State, and in many others—it would require two sessions of the legislature to adopt a constitutional amendment. That would mean 1965 and 1967. The referendum would be in 1968.

My State has already acted. There are many other States that have not. The great majority of the States have not. This procedure would take 4, 5, or 6 years, according to the language of the bill.

Mr. MANSFIELD. I would seriously question that. In my opinion it would take not more than 8 months for the majority of the States. If they did not comply by January 1, 1966, it would be up to the courts, not to the legislatures, to decide. I believe we are well within our constitutional rights in advocating an amendment of this nature. When compared with the Tuck bill, this amendment is as different as night is from day.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DOUGLAS. The phrase which is used on page 2 of the Dirksen amendment is that the legislature should have a "reasonable opportunity" to act. No one knows what this would mean.

Mr. MANSFIELD. Who will determine what it means?

Mr. DOUGLAS. That is a real question.

Mr. MANSFIELD. The courts will determine it.

Mr. DOUGLAS. That is a real question. The truth of the matter is that the legislatures have had this opportunity for decades.

Mr. MANSFIELD. That is true.

Mr. DOUGLAS. They have had an opportunity to act for decades. They have refused to act. In Alabama and Tennessee, they did not reapportion from 1901 on, until the Supreme Court ordered them to do so in 1962 and 1964.

Mr. MANSFIELD. That is correct.

Mr. DOUGLAS. For six decades they violated their own constitutions, as well as the ordinary rules of fairness. In view of the record of the State legislatures in the past, in perpetuating their own malapportionment, I do not believe that we can expect of them any celerity in attaining fair apportionment in the future. On the contrary, to the degree that there has been reapportionment, in almost every instance, it has been under court order. These court orders would be stayed or put in cold storage under the Dirksen amendment. During this freeze, my colleague and his associates would initiate a constitutional amendment. The constitutional amendment would forever remove from the courts the power to order reapportionment in the many malapportioned State legislatures. It would grant to the present malapportioned legislatures the power to perpetuate their malapportionment. The constitutional amendment would forever prevent courts from enforcing the right to the equal protection of the laws. And the equal protection of the laws, in the judgment of the Supreme Court, and, in the judgment, I believe, of the vast majority of the American people, requires substantially equal representation.

Mr. MANSFIELD. Once again, I believe the Senator from Illinois [Mr. DOUGLAS] is misjudging a premise because of his lack of a firm foundation.

What the Senator is saying, in effect—and I say this most respectfully—is that in his opinion the House and the Senate will pass a constitutional amendment—which requires a two-thirds vote—which, in turn, will be ratified by the States, which requires a three-fourths vote.

Frankly, I do not believe that a constitutional amendment in this direction can get a two-thirds vote in either body. I am fairly certain in my own mind—again expressing an opinion—that three-fourths of the States would not ratify such an amendment, if, by some unforeseen chance, such an amendment were to pass.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. DIRKSEN. It seems to me that we are forgetting a fundamental truth. That fundamental truth is that the Constitution of the United States begins with the words "We the people," and there is in that Constitution a reservation clause that the powers not expressly delegated to the Central Government are reserved to the people and to the States.

With regard to the malapportionment of State legislatures, it is still in the hands of the people. The trouble is that there is an indisposition to reapportion in the fundamental way. It is proposed to take a shortcut. That shortcut is the Supreme Court. I say to the Senator from Wisconsin that if he feels deeply about it, he can go out to Wisconsin and make some noise about it. We shall do it in Illinois. That is our responsibility. Let us not dump it and allow nine men over in this marble palace to tell the people in the States what they have to do.

When it is said that six decades have gone by, it seems to me that the power residing in the States and in the people has existed ever since the Constitution was fabricated. Now, suddenly, the whole thing is overturned by the High Tribunal.

Mr. THURMOND. I am very frank to say that, in my opinion, the question is one for the people in each State to determine. The Senator from Illinois said something about motives of Senators, and so forth. I can tell him frankly that my position is that the people of each State ought to make the determination. I am sure that the Senator trusts the people of Illinois, as I trust the people of South Carolina. I believe every Senator trusts the people of his own State. I believe the people of each State ought to make the determination as to how they wish their legislature constituted.

Furthermore, under the Constitution of the United States——

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. THURMOND. I should like to complete my statement, and then I shall be glad to yield. Under the Constitution of the United States the question is political and not legal. Therefore, the Supreme Court has no jurisdiction.

As the able Senator from Illinois has stated, the question has never been delegated by the States to the Union, to the Federal Government; therefore, it is reserved to the States. I think it is perfectly clear that the States, and not the Federal Government, have jurisdiction in the field. Why should nine men in Washington have jurisdiction to overrule 50 legislatures in this Nation? Why should not the people through their legislatures have the power and the jurisdiction to determine the composition of their legislatures? I am certain that that should be the case in spite of the ruling of nine men here in Washington.

I am glad to yield to the Senator from Wisconsin.

Mr. PROXMIRE. The Senator from South Carolina has said that he would rely on the people. I believe that all of us would like to rely on the people. But who would put the question? Who would set up the referendum? It would be set up by the malapportioned legislatures. They would put the question. That is why, in case after case, the people have seemed to vote against their own interest. Their own right to an equal vote. They have not had an opportunity to answer the right question.

Anyone who has served as Governor of his State, as the Senator from South Carolina [Mr. THURMOND] has so ably served his State, knows that that statement is true. It has happened again and again in my State. If State legislatures are relied upon to supply the question

for a referendum, we know how easily a question can be rigged. Indeed, have again and again been rigged.

If we should rely on the adoption of a constitutional amendment that would be required to pass the Congress, once again we would find the same problem manifested, because in this case the State legislatures, not the people, decide. The House has shown how it felt when it passed the Tuck bill. The fact is that we, as Members of Congress, are intimately connected with our State legislatures as a result of our friendships with legislators, when we go before the people in a constitutional referendum.

But again, the question would not be acted upon by the people of the States; it would be acted upon by the State legislatures.

I am confident that if the question were submitted to the people, as the Gallup poll showed yesterday, population apportionment would be overwhelmingly approved. The people are for population apportionment.

I disagree vigorously with the majority leader when he says that if the question were submitted to State legislatures, three-quarters of the legislatures would not approve it. How can he predict? The State legislators want to keep their jobs. We know that That is a fact of political life. If there is any constitutional amendment that would whip through State legislatures, it would be this one.

Mr. THURMOND. The Senator from Wisconsin has referred to the legislatures being malformed. Who says that they are malformed? That is the opinion of the Senator from Wisconsin. The people of a State constitute the legislature of that State. There is at least one State in the Nation that has only one legislative body. The other States have two bodies—two bodies made up as the Congress is made up. That is, they have representation according to each county, based upon area, and then they have representation according to population as the House of Representatives in the U.S. Congress has.

So the people in each State could change that system if they so desired. If the people of each State are not satisfied with the present composition of the legislature, there is nothing to keep them from changing it.

Mr. PROXMIRE. The only State in which the composition of the legislature could be changed readily by the people is the State of Oregon, which permits a truly free initiative.

Mr. THURMOND. I do not believe that the people of one State ought to try to tell the people of another State what the composition of the legislature of that State ought to be. Furthermore, I wish to inquire of the able Senator from Wisconsin upon what authority the Supreme Court acted on the question. Where in the Constitution is the jurisdiction that has been delegated by the States to the Supreme Court to act in this field? There is no such jurisdiction. The Supreme Court has gone beyond its authority, and therefore the Court, in my judgment, in this particular matter, is in error. It is incumbent upon the Congress to take steps to correct the situation.

Mr. PROXMIRE. Mr. President, these are malformed legislatures. Yesterday we had a discussion with the very able Senator from Oklahoma [Mr. MONRONEY] in which it was admitted that since 1921 the Oklahoma Legislature has refused to comply with the clear requirements of the Oklahoma constitution, and there is no recourse that Oklahoma citizens have except the U.S. Supreme Court. Their own supreme court has refused to act.

I point out that the case of Reynolds against Sims was decided by the Supreme Court of the United States with eight Justices in favor of the decision and one opposed. By that margin the Court decided it had clear right and authority under the explicit language of the 14th amendment. I agree.

Mr. MANSFIELD. Mr. President, I yield the floor.

Mr. DIRKSEN obtained the floor.

Mr. GOLDWATER. Mr. President——

Mr. JAVITS. Mr. President——

Mr. DIRKSEN. Mr. President, I yield to the Senator from Arizona.

SOCIAL SECURITY

Mr. GOLDWATER. I appreciate the courtesy of the Senator from Illinois I have only a short statement to make and then Senators can get on with the debate.

Mr. President, the chances are very good that I shall not be present when the vote is taken on the social security measure. I have a short statement that I would have made at that time and I shall do my best to be in this neighborhood if the engagement that I am going to be kept busy with will allow me to do so.

I favor a sound social security system and I want to see it strengthened. I have voted for genuine improvements in the system since I have been in the Senate, and I plan to do so now. I supported the 1956 amendments to the Social Security Act and, in 1958, I voted to raise benefits so that their value in terms of purchasing power would be preserved.

It is generally agreed by students of social security that the basic purpose of the OASDI program, as it has developed in the United States, is to provide a basic floor of economic protection which becomes available in the event of the death, disability, or retirement of the family breadwinner. Social security was never intended to replace private voluntary efforts—nor should it. Benefits under the program are not a substitute for individual savings and private retirement and insurance plans. They are instead a base upon which the individual may build through his own efforts.

We Americans make provisions for the future through a great variety of voluntary programs, many involving contributions by employers. Self-employed persons were once treated unfairly when their payments into voluntary retirement programs were fully taxed; but recent legislation—which I supported—has gone far toward placing them on the same footing as those who earn wages and salaries.

Recognizing the important role being filled by social security, we can and should, of course, make improvements from time to time in such areas as the financing and operation of the system. But that is not at issue now.

As for the features of the present bill, the 5-percent increase in benefits will help to meet the rise in living costs since 1958.

Two other provisions of the present bill make the program more flexible in meeting the needs of our people. The first is extension of benefits to a surviving child beyond the present age limit of 18 to the new age limit of 21, provided the child is in school or college. The second is reduction in a widow's age of eligibility from 62 to 60, benefits being actuarially adjusted. In connection with the latter, I might mention that I voted in 1956 to lower from 65 to 62 the age at which all women could claim OASI benefits.

These are worthy improvements in the social security system, enabling it to serve us better in fulfilling its fundamental purpose. They should be clearly distinguished from schemes designed to alter that purpose and, thereby, to overburden the system. We shall not preserve the social security program if we saddle it with unnecessary new burdens, such as medicare. We penalize every senior citizen if we thus bankrupt the system that protects him.

Essentially, protection against need in America depends on a free economy that produces an ever-growing abundance and ever-greater opportunities for all. In this context, social security has a vital and legitimate supporting role, and it is for this reason that I will vote for the proposals before us.

PERSECUTION OF THE JEWISH MINORITY IN SOVIET RUSSIA

Mr. GOLDWATER. Mr. President, I ask unanimous consent that a statement that I prepared in regard to Senate Resolution 204, which the Senator from Connecticut [Mr. RIBICOFF] introduced with some 61 or 62 cosponsors—and I am one of those—be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

As a cosponsor of Senate Resolution 204 which the Senator from Connecticut introduced last autumn, I express my support for his amendment to the pending bill. This amendment emphatically reflects the horror felt by the Congress of the United States for the savage persecution to which the Soviet Union is subjecting its Jewish minority. I am sure that civilized people everywhere share the horror we feel and join in the condemnation we express.

But I would like to call the attention of my colleagues, and of the American people as well, to the grim irony which characterizes the situation we deal with in the proposed amendment.

A third of a century ago Adolf Hitler and his Nazi Party took over the Government of Germany on a political platform, the chief

tenet of which was anti-Semitism, in the form of a pledge to eliminate the Jews from every aspect of the national life of Germany. How well he succeeded we need not dwell on here. Ostensibly opposed to him were the Soviets and the German Communists who gave lipservice, as they still do to a whole catalogue of humanitarian ideals, among them, that of complete racial and religious equality. Nevertheless, this apparent ideological antithesis between Nazis and Communists offered no obstacle to the infamous Soviet-Nazi pact of 1939 which, in effect, precipitated the holocaust of World War II on a world still not fully recovered from the sufferings and devastation of World War I.

It was primarily because of its treatment of the Jews that the Nazis came to be regarded as the quintessence of brutality and barbarism. Have we forgotten that for almost 2 years after the signing of the pact, the Soviet Union remained a faithful and devoted ally of Hitler? Do we no longer recall that the breach in the infamous friendship was initiated by the Nazis and not by the Communists?

Some among us here in the Senate Chamber may wonder why I rake up the dying embers of these terrible and tragic events of the not too distant past. My answer is simply this. We must never forget that the extermination of the Jews by Hitler was just one manifestation of the inherent barbarism and savagery that are inherent characteristics of the full-blown totalitarian regimes which seem to flourish in the 20th century like the rankest of weeds in a poorly tended garden.

Too many of us have forgotten that present-day Soviet anti-Semitism is only the most recent of a series of gigantic persecutions by the Communist regime which began with the Bolshevik revolution and have gone on unremittingly ever since. The massacre of the Kronstadt sailors, the liquidation of the Kulaks, the deliberately government-induced starvation of millions of peasants, the elimination of the old academic and professional classes, the purges not only of the Red army but of most of the original Bolshevik leaders themselves, the litany of horror, cruelty, murder, and injustice is too long for me to describe it fully here.

I can recall that shortly before we were at war with Nazi Germany, a book was published that was read by millions of Americans, horrified by Hitler's activities—it was called "You Can't Do Business With Hitler." But today we have forgotten. With no compunctions our Government does business with Khrushchev, "the butcher of the Ukraine," a chief executant of the horrors perpetrated by the Soviets not too many years ago. Why do we not react with the same indignation to this older totalitarianism which has thrust its tentacles into areas and among peoples whose extent and number exceed anything achieved by Hitler at the crest of his power? Why do so many of us believe that Soviet communism is becoming more civilized, more humanitarian, when so many of these same people realized so clearly that Hitler could never be appeased?

I hope that the Senate will approve this amendment—but more importantly I hope that it, even if only to a slight degree, will dispel the deep amnesia which holds so many of our policymakers and opinion formers in its grip. I pray with all my heart that this measure will bring the sudden shock of realization that we are confronted by an implacable enemy devoted to destroying us; that totalitarianism whatever its particular form or manifestation is always essentially and similarly evil; and that to believe in its eventual development into something good and decent and just is not only completely foolhardy but that such an illusion constitutes the gravest of dangers not only for our beloved country but for all civilized mankind.

AMENDMENT OF FOREIGN ASSISTANCE ACT OF 1961

The Senate resumed the consideration of the bill (H.R. 11380) to amend further the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. JAVITS. Mr. President——

The PRESIDING OFFICER. The Senator from Illinos has the floor.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. DIRKSEN. I yield.

Mr. JAVITS. In respect to the discussion that we have been having about apportionment, the Senator from Minnesota [Mr. MCCARTHY] and I have a "sense of Congress" resolution pending as a substitute for the Dirksen-Mansfield amendment, and I should like to say a word about the present situation.

The Senate cannot remain deadlocked on this issue without great peril to the public interest. We are not living in dream worlds. We know that everyone is seeking to get as much of a political position as possible in this situation; and the reason the minority leader chose to attach this amendment to the foreign aid bill is very obviously that he knew that the foreign aid bill had to be passed, and he wanted to be sure that his amendment did not fall by the wayside.

But I think the time probably has come, or is very close, when we must fish or cut bait, and the foreign aid bill must be passed with or without the amendment. We shall now have a 10-day period when the whole country can think it over. It seems to me that the Tuck bill, which is before the Senate, gives us an appropriate vehicle for effecting the will of Congress on this subject.

I would hope that the various parties in interest—the majority and minority leaders, my colleagues, my liberal colleagues on the other side, who have been debating this matter so thoroughly and so very well, the Senator from Minnesota [Mr. MCCARTHY] and myself, and the Senator from South Carolina [Mr. THURMOND]—could arrive at a meeting of the minds, perhaps with the administration, as to expressing the will of both Houses of Congress, whatever it may be, with respect to the Supreme Court's reapportionment decisions, and that it be done on a separate measure.

I join the majority leader in strongly condemning the Tuck bill. I believe the Supreme Court, on the most elementary constitutional determination, would have to strike it down. Certainly as it applies to pending cases, I think it is most mischievous, just as mischievous as was the attempt to pack the Supreme Court, but on another ground, based on the precedent of 100 years ago in the Klein case, because it is an effort to take away the jurisdiction of the Supreme Court.

What is overlooked is that the 14th amendment to the Constitution overrides every State and the will of the people of every State. Perhaps the will of the people of some State might be to have slavery. They may not have it. That is what the Constitution provides. The Supreme Court has upheld it.

There is another way to approach the problem, and that is to have a separate vehicle expressing the will of the Congress as to what it would like to have the Supreme Court do. The way to get it done, in a constitutional way, is to ask the Supreme Court to stay its hand for a sufficient time to allow the people to work their will under the Constitution.

There are three bases which have been discussed in respect to this matter.

The first basis is that enunciated by the Senator from South Carolina [Mr. THURMOND], that is, that the people of the States have complete autonomy in this regard. They do not, under the 14th amendment of the Constitution.

The second point of view is that expressed by my liberal colleagues on the other side, who feel that nothing whatever should be done, but that the Supreme Court decision of one man—one vote should be carried out within each State according to that constitutional principle and that both houses of each State legislature should be organized on the basis of one man—one vote.

The third position, which is too little discussed in this situation—and I believe it represents the preponderant view of the people of the United States—is that they cannot understand why in each State they cannot make the same decision that the people of the United States made when our Constitution was established, and have one house of their State legislature, if they wish it—and I emphasize, if they wish it—on a basis other than population.

That opportunity can be afforded by an amendment to the U.S. Constitution. It would not "freeze in" malapportioned legislatures, as has been asserted, because it would not be up to each State legislature, but it would be up to the people of each State, to determine whether they want one house apportioned on a basis other than population.

It seems to me that this is the end result that meets the current consensus of the people of the United States. That procedure is available to us, and we have a separate bill from the other body which could be amended so that that could be carried into effect in a perfectly legal and constitutional way.

I hope that in the 10-day period all the parties in interest may get together for the purpose of arriving at such a decision, and that the machinery of the United States, which is not now functioning, by virtue of the fact that we are deadlocked in this Chamber, may again be permitted to function, and that Congress may adjourn sine die by the middle of September.

Mr. AIKEN. Mr. President, I agree with the majority leader that we should not take up the Tuck bill at this time, and probably not at any time during this session of Congress.

I also believe that the substitute amendment offered by the Senator from New York [Mr. JAVITS] and the Senator from Minnesota [Mr. MCCARTHY] would not be at all effective.

I have been noticing, while this filibuster has been in progress, that the filibuster has been carried on by Senators from Philadelphia, Detroit, Chicago, and political suburbs——

Mr. DOUGLAS. Mr. President, I note what the Senator from Putney has just said, but I point out that just as he is the Senator from Vermont, we are also Senators from our entire States, not from portions of our States.

Mr. AIKEN. Mr. President, I did not yield for a speech. I have only 3 minutes.

As I say, the filibuster has been carried on by Senators from Philadelphia, Detroit, Chicago, and political suburbs.

I think the filibusterers are trying to prevent the people of the United States from ever voting on what kind of legislatures they want. The reason for that may be that they learned their lesson in Colorado, where the question of reapportionment was submitted to the people in a statewide referendum, and every county in the State of Colorado, including Denver, voted in favor of the reapportionment plan which was thrown out by the Court.

I realize that the rest of us are probably very amateurish compared with the political organizations of Philadelphia, Chicago, and Detroit, were the political machinery has been perfected practically to the push-button stage; but I do not think that type of political machinery is best for this country.

I would like to see every State submit a constitutional amendment which would provide for two houses of the State legislatures based on other than a strict population basis to a statewide referendum. I know other countries made it to the position where the people had little to say about their government, but I do not want the United States to make it. I do not want a coalition of 3 or 4 political machines running this country.

I do not believe those who are opposing the Mansfield-Dirksen amendment would ever in the world agree to let the people of each State, in referendum, vote on a constitutional amendment relating to the apportionment of State legislatures.

I think my 3 minutes are about used up. I could continue along the same lines, but I think I can say enough in 3 minutes. Why should we not trust the people? Why should anyone try to thwart the people of the United States, in spite of the protestations—Philadelphia, Detroit, Chicago, and political suburbs?

GROWING NATIONWIDE OPPOSITION TO DIRKSEN ANTIAPPORTIONMENT RIDER

Mr. DOUGLAS. Mr. President, I am quite amused by the statement that we are conducting a filibuster, because we have been permitted only a few hours in which to debate the Dirksen antireapportionment rider since it was proposed last week. The proponents of this measure have not taken more than an hour to explain their position. We, in opposition, have been willing to allow the business of the Senate to go forward. When we could obtain time to speak, we have presented detailed evidence on the malapportionment of State legislatures, and we intend to present more. It is striking, in spite of the fact that we have had only a very slight opportunity to present our case, how rapidly the opposition to the Dirksen rider is sweeping across the country.

Two facts are coming to be understood. First, that the acknowledged purpose of the Dirksen rider is to freeze court-ordered fair apportionment of the State legislatures for an indefinite period so that a constitutional amendment permanently freezing unfair apportionment can be rushed through by the present unfairly apportioned legislatures. Second, that the proponents' charge that a moratorium is necessary to avoid chaos throughout the States is utterly false, unless chaos means simply that rotten borough politicians will lose their seats.

One indication of the broadly based opposition to the Dirksen "rotten borough" amendment is the number and source of the telegrams I received in the last 48 hours from fair apportionment leaders across the country. These telegrams came to me because these leaders had heard of the informal hearing on this matter which I attended last night in Silver Spring, Md. I shall discuss this heaing at another time today, Mr. President, but I now ask unanimous consent to have printed in the RECORD the telegrams which have come to me. I call attention to the fact that one of the telegrams is from the mayor of Cleveland and other telegrams are from various union leaders, from attorneys who have acted in apportionment cases, and from others.

I also ask unanimous consent to have printed in the RECORD an editorial published in this morning's Washington Post and an editorial published in this morning's New York Times; as well as letters to the editor of the New York Times and the Chicago Sun-Times. In addition, I ask unanimous consent to have printed in the RECORD an editorial from that great newspaper, the St. Petersburg Times.

I ask that this material may be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOUGLAS. Mr. President, public opinion is rising across the country, and the desperation of the proponents of the Dirksen rider is indicated by the comments which were made this morning.

Mr. President, the 3-minute rule has been more honored in the breach this morning than in its observance, and I ask unanimous consent that I may be permitted to continue for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. Some of the points made by the Senator from South Carolina have been well answered by the Senator from Wisconsin, who has pointed out that it will not be the people who will ratify the constitutional amendment, but the present malapportioned State legislatures, which, for decade after decade, have not acted and have only been stimulated into action by the recent decisions of the Supreme Court.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. PROXMIRE. Is it not true that in the Gallup poll, which recently asked a question on this subject, which contained no bias in it, and which was certainly a very scientific question—and the Gallup poll is a very respected poll among universities which specialize in public opinion analysis—the people who voted in that poll voted 3 to 2 in favor of population reapportionment for both the house and the senate of the State legislatures? The word "senate" was actually used in the question.

Mr. DOUGLAS. The Senator is correct.

Mr. PROXMIRE. It seems to me that on the basis of our experience, as this issue is presented to the people, it is clear that if the people had a chance—not the State legislatures, but the people themselves—there is no question that they would vote overwhelmingly for population reapportionment, with one man, one vote; but, as the Senator points out they would not have that chance, and State legislatures would reject that proposal.

Mr. DOUGLAS. I thank the Senator. If we can continue our efforts to alert the people to the effect of these proposals, the vote disclosed by the public opinion polls will not be 3 to 2, but will become 2 to 1, and eventually 3 to 1.

The point made by my colleague from Illinois [Mr. DIRKSEN] and by the Senator from South Carolina on the question of constitutionality, it seems to me, does not look beyond the 10th amendment to the Constitution. There are 24 amendments to the Constitution, and all except the one repealed are in effect.

The crucial amendment is the 14th amendment, adopted after the Civil War. The last phrase of the first section of that amendment provides that no State shall deprive any person of the equal protection of the laws.

The Supreme Court properly has said that the people cannot be assured of the equal protection of the laws if they have grossly unequal representation in the State legislature; and that to guarantee the equal protection of the laws requires a substantially equal representation in both houses of the State legislature.

There is no analogy between the composition of the U.S. Senate and the composition of a State senate. The big States were forced to grant equality of representation in the U.S. Senate to the small States because some of them threatened that they would not join the Union unless they received this concession. That action was taken at the point of a pistol, and the States created the Federal Government.

Counties, townships, towns, and cities, however, did not create the States. They are creatures of the State. They are not and were not sovereign. There is no necessity for similar treatment within the States.

If a small proportion of the population can control one house of the legislature, it can control the entire legis-